# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

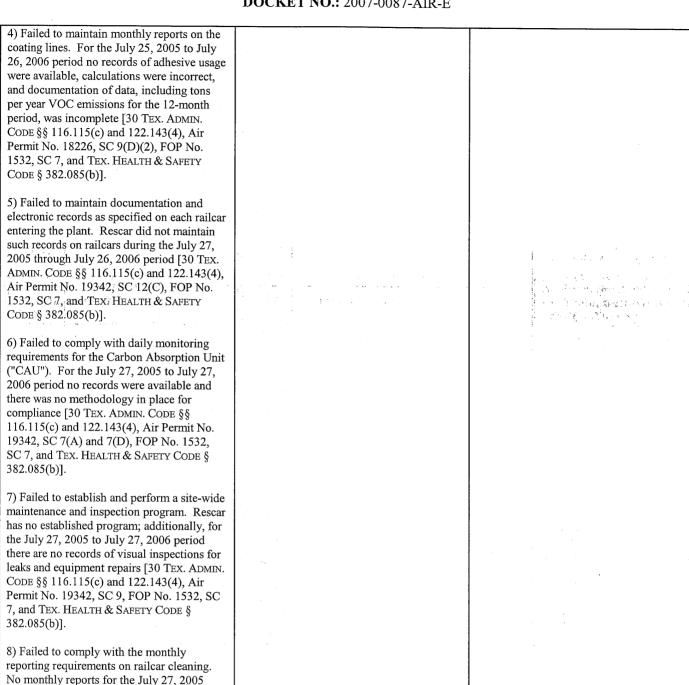
**DOCKET NO.:** 2007-0087-AIR-E **TCEQ ID:** RN100234681

**CASE NO.:** 32173

**RESPONDENT NAME:** Rescar, Inc.

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR TYPE OF OPERATION: Railcar repair an	ED: Rescar Orange Facility, 1993 Foreman Road, of	Orange, Orange County
SMALL BUSINESS: Yes X	No	
<b>OTHER SIGNIFICANT MATTERS:</b> Ther facility location.	e are no complaints. There is no record of additional	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other tha	in the ED and the Respondent has expressed an inter	rest in this matter.
COMMENTS RECEIVED: The Texas Regi	ister comment period expired on June 11, 2007. No	comments were received.
Mr. Steven Lopez, Enforcement Dr Respondent: Mr. David Kraker, Vi	Mr. John Muennink, Enforcement Division, Enforcement	

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint Routine Enforcement Follow-up X Records Review	Total Assessed: \$34,000  Total Deferred: \$6,800  X Expedited Settlement Financial Inability to Pay	Corrective Actions Taken:  1) The Executive Director recognizes that Rescar ceased adhesive coating operations onsite on July 15, 2006.
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	Ordering Provisions:  2) The Order will require the Respondent
Date of Investigation Relating to this Case: November 7, 2006  Date of NOE Relating to this Case: January 5, 2007 (NOE)  Background Facts: This was a routine record review. Eight violations were documented.	Total Paid to General Revenue; \$27,200  Site Compliance History Classification  X High Average Poor  Person Compliance History Classification  High X Average Poor  Major Source: X Yes No	a. Within 30 days after the effective date of this Agreed Order:  i. Submit unreported deviations for the July 27, 2005 to July 26, 2006 period on the next deviation report;
AIR	Applicable Penalty Policy: September 2002	ii. Begin record-keeping for both blast facilities;
1) Failed to submit deviation reports for the July 27, 2005 through July 26, 2006 compliance period [30 Tex. Admin. Code § 122.145(2)(A) and (2)(B), Federal Operating Permit ("FOP") No. 1532, SC 1A, and Tex. Health & Safety Code § 382.085(b)].		iii. Begin maintaining complete records of EPN 5 emissions, including on a 12-month rolling basis;
2) Failed to maintain complete records. For the July 27, 2005 through July 26, 2006 period Rescar failed to maintain records and reports on each of the abrasive blasting facilities representing the monthly new additions of blast media and the total of new blast media additions over the calendar year		iv. Begin maintaining proper documentation and electronic records on railcars entering the Plant;  v. Begin preparing and maintaining monthly railcar cleaning reports;
for either of the two facilities [30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 18226, SC 9(C) and 9(D)(3), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b)].		vi. Begin daily monitoring requirements on the CAU; and vii. Begin implementing sitewide maintenance and inspection
3) Failed to produce monthly reports of volatile organic compound ("VOC") emissions for EPN 5. Records provided for the July 27, 2005 to July 26, 2006 period did not include records for the interior lining booths and bays ("EPN 5") for any month and no report for VOC emissions in tons per year over the previous 12-month period [30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 18226, SC 9(D)(1), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b)].		work.  b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.vii.



through July 26, 2006 period were available [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 19342, SC 12(D), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b)].

Say a sud yaras

7	Per	nalty (	Calculatio	n Work	sheet (P	CW)	
Policy Revision 2 (Septer						,	n December 8, 200
EQ					,		
TES Assigned PCW	8-Jan-2007 7-Feb-2007	Screenin	g 10-Jan-2007	EPA Due	2-Oct-2007		
SPONDENT/FACILITY IN	NFORMATION	200 ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (					
Respondent R		100000000000000000000000000000000000000	275V 1652 - 1754 WHATE TO 1864 WHATE V			***************************************	. <u> </u>
Reg. Ent. Ref. No. R	N100234681						*********
Facility/Site Region 1	0-Beaumont			Major	/Minor Source	Major	
SE INFORMATION							
Enf./Case ID No. 3	2173	CONTRACTOR S	Control Control Control Control Control	T No	. of Violations	la .	
	007-0087-AIR-E			1	Order Type		
Media Program(s)				En	f. Coordinator		<del></del>
Multi-Media				┪		EnforcementTeam (	3
Admin. Penalty \$ Li	mit Minimum	\$0	Maximum	\$10,000	]		<u> </u>
		Pena	alty Calcula	ation Sec	ction		1
TAL BASE PENALT	Y (Sum of vi	olation	hase nenalti	AC)		Subtotal 1	\$34,00
		30000	ando banan	~ <del>~ 1</del>			40 1,0
DJUSTMENTS (+/-) T	O SUBTOTA	L1					/*:27### <b>#</b>
Subtotals 2-7 are obtaine	d by multiplying the	Total Base F	Penalty (Subtotal 1) b	y the indicated pe	ercentage.		
Compliance Histor	y		0%	<b>Enhancement</b>	Subt	otals 2, 3, & 7	
	No enhance	ement and	d no reduction du	ue to average	performer		
Notes			classification.				
	p.te	nation houses with a mana	TO COMPANY OF STREET, A SECOND SECOND SEC	u. seksos varteirini	577 59P of Son V - 2 of Son V		
Culpability	No [		0%	<b>6</b> Enhancement		Subtotal 4	
Notes	Resno	andent do	es not meet the	culpability crite	eria		
Holos		on don't do		outpublinty of its	ona.		
Good Faith Effort t	o Comply		09	6 Reduction		Subtotal 5	-
	0. 2000 April 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0. 0.	NOV to EDF	PRP/Settlement Offer	and the second s	annat All Mit Lain sàidh is is le la		<u> </u>
Extraordinary							
Ordinary			┥ .				
N/A	х (п	nark with x)	I		100 co	_	
A	The Res	nondent	does not meet th	ne good faith c	ritoria	1	
Notes	THETRE	ponacni	docs not meet ti		iliciia.		
Notes				. 9		l .	
Notes				SS 175 SS TO TO THE THE TO THE	- NY-20111944119411941194 1 - 1 - 1 - 1 - 1 - 2 - 2 - 2 - 2 - 2 -	The state of the second	
L				& Enhancement*		Subtotal 6	
	Total EB Amounts	\$1,628 \$11,500		SS 175 SS TO TO THE THE TO THE	\$ Amount	Subtotal 6	
	Fotal EB Amounts ost of Compliance	\$1,628 \$11,500		& Enhancement*	\$ Amount	Subtotal 6	
	ost of Compliance			& Enhancement*		Subtotal 6	
Approx. Co	ost of Compliance			& Enhancement*			\$34,0

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

20%

\$34,000

\$34,000

-\$6,800

\$27,200

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Notes

Notes

PAYABLE PENALTY

**DEFERRAL** 

STATUTORY LIMIT ADJUSTMENT

Screening Date 10-Jan-2007

Docket No. 2007-0087-AIR-E

Respondent Rescar, Inc.
Case ID No. 32173

Reg. Ent. Reference No. RN100234681

Media [Statute] Air Quality Enf. Coordinator John Barry Policy Revision 2 (September 2002)
PCW Revision December 8, 2006

**Compliance History Worksheet** 

		/ Site Enhancement (Subtotal 2) Number of E	nter Number Here	Adjust.	Marian
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	<b>0</b>	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	g≰ a les .
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	. 0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
: ,	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Addis	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	l.
		Plea.	se Enter Yes or No		I
		Environmental management systems in place for one year or more	No .	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Other	Participation in a voluntary pollution reduction program	No. 1	0%	
	A Section of the Company of the Comp	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment F	Percentage (S	ubtotal 2)	0%
>> Rep	eat Violator (Su	ibtotal 3)			
	No	Adjustment F	Percentage (S	ubtotal 3)	0%
	AA				1
>> Com	ipliance Histor	y Person Classification (Subtotal 7)	Julia I I I I I I		Alexander III
	Average F	Performer Adjustment F	ercentage (S	ubtotal 7)	0%
>> Com	npliance Histor	y Summary			
	Compliance History Notes	$\chi_{V^{\prime\prime\prime\prime\prime\prime\prime\prime\prime\prime\prime\prime\prime\prime}}$ No enhancement and no reduction due to average performer classification.		en av.	
-	•	Total Adjustment Percentage	(Subtotals	2, 3, & 7)	0%
CONCENSION OF THE PROPERTY OF	**************************************				

	<b>ate</b> 10-Jan-2007		Docket No. 2007-0087-AIR-E	PCW
	ent Rescar, Inc.		Po	licy Revision 2 (September 2002)
Case ID I	Cherry C.		,	PCW Revision December 8, 2006
Reg. Ent. Reference I				
Media [Statu Enf. Coordina				
Em. Goordina Violation Num				
Rule Cit		min. Code § 122.145(2)(A)	and (2)(B), FOP No. 1532, SC 1A, and Tex	
			y Code § 382.085(b)	
	Failed to s	uhmit any deviation reports	for the July 27, 2005 through July 26, 2006	
Violation Descrip	tion		ance period.	
	L			
			Base Pen	alty \$10,000
>> Environmental, Proper	tv and Human I	Health Matrix		neuro sacreta
	ry and riaman.	Harm		
Rele		Moderate Minor	1	
OR Ad	tual		Percent 0%	
Tolo	i i i i i i i i i i i i i i i i i i i		1 crocint 0/6	
>>Programmatic Matrix				de regions consiste de la constante de la cons
Falsifica	<del></del>	Moderate Minor	1	
	X		Percent 25%	
Matrix		100% of the rule wa	as not met.	
Notes				
			Adjustment \$7	,500
			Adjustment	,500
				\$2,500
Violation Events				
Number o	of Violation Events	2	128 Number of violation days	
****	daily			
000000000000000000000000000000000000000	monthly			
mark only			Violation Base Per	alty \$5,000
with an	o o			
	annual single event	X		
	onigio event			***************************************
	- Continue			
	Two single	events, one for each devia	tion report, are recommended.	
L				
Economic Benefit (EB) fo	r this violation		Statutory Limit Test	
Estin	nated EB Amount[	\$23	] Violation Final Penalty	Total \$5,000
	_	This violeties	Final Associated Populty (adjusted for the	nits) \$5,000
		inis violation	ı Final Assessed Penalty (adjusted for lir	intəj

Reg. Ent. Reference No. R Media A Violation No. 2	Air Quality			(C. A. WEIGH & THE PASSAGE TO	-1.	Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	EB Amount
Item Description	Accessors on the second	Date Required	i illai Date	113	interest Saveu	Offetime Costs	LD Amoun
D-I	· ·						
Delayed Costs  Equipment				0,0	\$0	\$0	\$0
Buildings		A 1 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5		0.0	\$0	\$0	\$0
Other (as needed)		7	400 9 3 7 4 9 9 4 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0	\$0	\$0 %   2   2	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land		ruse koprobalikaci		0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs		5-20-11-11-11-11-11-11-11-11-11-11-11-11-11		0,0	\$0	n/a	\$0
Other (as needed)	\$500	25-Aug-2006	1-Aug-2007	0.9	\$23	n/a	\$23
Notes for DELAYED costs	reports were	e to be submitted; t	he final date is th	e estimate	d date the unrep	orts; the date require orted deviations wil	l be reported.
Avoided Costs  Disposal	ANN	UALIZE [1] avoide	ed costs before (	entering it	em (except for \$0	one-time avoided of	sosts) \$0
Personnel	server and the contract of		Service Control of the Control of th	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			200	0.0	\$0	\$0	\$0
Supplies/equipment			25	0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			dagiga daday,	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							l on

j.										
Reg	R (Ent. Ref Med Enf. C Viola	ening Date Respondent Case ID No. Ference No. ia [Statute] Coordinator ation Number Rule Cite(s)	Rescar, Inc. 32173 RN10023468 Air Quality John Barry 2 30 Tex. Admi 9(D)(3) Failed to main 2006 perice blasting facili	n. Code §§ 1 , FOP No. 15 ntain comple d Rescar fail ties represer	16.115(c) and 532, SC 7, and te records as ed to maintain the mont	d 122.143(4), d Tex. Health required. Fo n records and thly new addi	or the July 27, d reports for e tions of blast	o. 18226, SC 9 de § 382.085(t) 2005 through ach of the abra media and the f the two faciliti	PCW Revi	PCW fon 2 (September 2002) ision December 8, 2006
The second secon	•			<del></del>				Base	Penalty	\$10,000
>> Enviro	nmental	I, Property a  Release  Actual  Potential	Major	Health Ma Harm Moderate	Minor		Percent	0%	6	
>>Progra	mmatic	Matrix Falsification	Major	Moderate x	Minor		Percent	10%		
	Matrix Notes			30% to	70% of the ru	ule was not m	net.			
						The solution	Adjustment		\$9,000	\$1,000
Violation	Events	Number of Vio	daily	2		365	Number o	f violation days		
		mark only one with an x	monthly quarterly semiannual annual single event	X			V	iolation Base	Penalty	\$2,000
***************************************			Two	single events	, one for each	ı facility, are	recommende	<b>1.</b>		noncontractive and a contract when
Economi	c Benefi	t (EB) for th	is violation	100 March (100 March (			Statuto	ry Limit Tes	t	
***************************************		Estimate	d EB Amount		\$10			on Final Pena		\$2,000
					This violation	on Final Ass	essed Penal	ty (adjusted fo	or limits)	\$2,000

Case ID No.	Rescar, Inc. 32173						
	Air Quality					Percent Interest	Years of
Violation No.	3		rite of the contract of the co				Depreciation
						5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	LESS SAME	on second		0.0	\$0	\$0	\$0
Buildings	E HOSPIE IN 18			0.0	\$0	\$0	\$0
Other (as needed)	NS\$10072760 - 740-801		er fa <b>k</b> e og Lindsteller fil	0.0	\$0	\$0'	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	27-Jul-2005	1-Aug-2007	2.0	\$101	n/a	\$101
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	200			0.0	\$0	n/a	\$0
				1 TANK A WORK		n u a	
Other (as needed)	20,500,000			0.0	\$0	n/a	\$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS  Disposal  Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	reporting	period; the final date	e is the estimated	0.0 and mor	\$0 nthly reports; the at such record and		\$0. ne first day of the e will begin.

 $|\psi(t)-f(t)| \leq 2|f(t)-f(t)| \leq \sqrt{\epsilon}$ 

ar)

Screening Date 10-Jan-2007 Respondent Rescar, Inc. Case ID No. 32773 Reg. Ent. Reference No. RN100234881 Media [Statute] Air Cuality Enf. Coordinator John Barry Violation Number 3 Rule Citate) To Tex. Admin. Code §§ 116.115(c) and 122.143(4). Air Permit No. 18226, SC 9(D(1)). Failed to produce complete monthly reports of VOC emissions for EPN 5. Records provided for the July 27, 2005 to July 28, 2005 parted did not include records for the Interfer lining booths and baye (*ENP**) for any month and no report for VOC emissions in tons per year over the previous 12-month period.  **Service Matrix**  Release Major Moderate Minor  Release Major Moderate Minor  Potential Percent D%  **Service Matrix**  Notes  Number of Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  **Service Statutory Lerrit Test**  Case ID Note: New York of the Interfer Inter					
Respondent Resear, Inc. Case ID No. 32173  Reg. Ent. Reference No. RN100234881  Media [Statute] Ar (Quality Enf. Coordinator John Barry Violation Number Rule Cite(s)  Rule Cite(s)  Falled to produce complete monthly reports of VOC emissions for EPN 5. Records provided for the July 27, 2005 to July 28, 2005 period did not include records for the Interior lining booths and bays ("EPN 5") for any month and no report for VOC emissions in tons per year over the previous 12-month period.  SEEN/STORMENT STATES  Programmatic Matrix Falsification Major Moderate Minor OR Actual Potential Percent 0%  Percent 10%  Adjustment 59,000  \$1,000  Violation Events  Number of Violation Events 1 385 Number of violation days  ### Violation Base Penalty \$1,000  Violation Events  Number of Violation Events 1 385 Number of violation days  ### Violation Base Penalty \$1,000  #### Violation Base Penalty \$1,000  ##### Violation Base Penalty \$1,000  ##### Violation Base Penalty \$1,000  #### Violation	Sorooning Da	<b>to</b> 10 lon 2007		NA 2007 0097 AID E	PAW
Reg. Ent. Reference No. RN100234881 Media [Statute] Air Quality Enf. Coordinator John Bary Violation Number   3			Carried to a Docket		
Reg. Ent. Reference No. RN100234881  Media [Statuta] Air Quality Enf. Coordinator John Barry Violation Number 3  Rule Cite(s)  Falled to produce complete monthly reports of VOC emissions for EPN 5. Rocords provided for the July 27, 2005 to July 26, 2005 period did not include records for the Interior lining booths and bays (FEPN 5") for any month and no report for VOC emissions in tons per year over the previous 12-month period.  See Penalty  S10,000  S1,000  Programmatic Matrix Falsification Major Moderate Minor Actual Potential Potential Percent 0%  Percent 0%  Actual Falsification Major Moderate Minor Actual S10,000  Actual Falsification Major Moderate Minor Percent 10%  S1,000  Violation Events  Number of Violation Events 1 385 Number of violation days  Violation Events  Number of Violation Events 1 385 Number of violation days  S1,000  S1,000  Figure 1 385 Number of Violation Base Penalty 31,000  S1,000  S1,000  Figure 1 385 Number of Violation Base Penalty 31,000  S1,000  Figure 2 385 Number of Violation Base Penalty 31,000  S1,000  Figure 2 385 Number of Violation Base Penalty 31,000  S1,000  S					
Media [Statute] Air Quality Enf. Coordinator John Barry Violation Number Rule Cite(s)  87	Programme and the second secon				PCW Revision December 8, 2006
Enf. Coordinator John Barry Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code \$\$116.115(c) and 122.143(d). Air Permit No. 18228. SC 9(D)(1). FOP No. 1532, SC 7, and Tex. Health & Safety Code \$ 382.085(b) Failed to produce complete monthly reports of VOC emissions for EPN 5. Records provided for the July 27, 2005 to July 28, 2006 period did not include records for the provided for the July 27, 2005 to July 28, 2006 period did not include records for the Interior family booths and bays (FEN 5) for any month and no report for VOC emissions in tons per year over the previous 12-month period.  Sase Penalty  S10,000  SEnvironmental, Property and Human Health Matrix Harm Harm Actual Potential Percent O%  S-Programmatis Matrix Felsification Major Moderate Minor Actual Percent 10%  S40/9					
Violation Number   3   Rule Cite(s)   30 Tex. Admin. Code §§ 116.115(c) and 122.143(4). Air Permit No. 18226, SC 9(D)(1)   FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b)   Falled to produce complete monthly reports of VOC emissions for EPN 5. Records provided for the July 27, 2005 to July 26, 2006 period did not include records for the interior limit provided for the July 27, 2005 to July 26, 2006 period did not include records for the interior fining booths and bays (EPN 5) for any month and no report for VOC emissions in tons per year over the previous 12-month period.    Base Penalty					
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 192.143(d). Air Permit No. 19226, SC 9(D)(1), FDP No. 1532, SC 7, and Tox. Health & Safety Code § 382.085(b)  Violation Description  Violation Description  Violation Description  Faillet or produce complete monthly reports of VOC emissions for EPN 5. Records provided for the July 27, 2005 to July 26, 2006 period did not include records for the Interior lining booths and bays ("EPN 5") for any month and no report for VOC emissions in tons per year over the previous 12-month period.  Base Penalty  \$10,000  **Service Major**  **Matrix**  **Percent**  **Percent**  **Defentia**  **Percent**  **Defentia**  **Percent**  **Separation**  **Notes**  **Number of Violation Events**  **One single event is recommended.**  **Statutory Limit Test**  **Consume Benefit (EB) for this violation**  **Statutory Limit Test**  **Statutory Limit Test**  **Statutory Limit Test**  **Statutory Limit Fest**  **Stat					
Failed to produce complete monthly reports of VOC emissions for EPN 5. Records provided for the July 27, 2005 to July 28, 2008 period did not include records for the interior lining booths and bays (EPN 5) for any month and no report for VOC emissions in tons per year over the previous 12-month period.    Statutory Limit Test		(s) 30 Tex. Admin.			D)(1),
>> Environmental, Property and Human Health Matrix Release Major Moderate Minor Actual Potential Potential Percent 0%  >> Programmatic Matrix Falsification Major Moderate Minor Falsification	Violation Descripti	Failed to prod	uce complete monthly reports of \ e July 27, 2005 to July 26, 2006 p oths and bays ("EPN 5") for any m	/OC emissions for EPN 5. Reco period did not include records for nonth and no report for VOC emi	r the
Harm   Release   Major   Moderate   Minor   Actual   Potential   Percent   10%				Base P	enalty \$10,000
Harm   Release   Major   Moderate   Minor   Actual   Potential   Percent   10%	>> Environmental, Propert	y and Human He	ealth Matrix		*
Percent 0%  >>Programmatic Matrix Falsification Major Moderate Minor	. 25 G -		Harm	· ·	
Potential Percent 0%  >>Programmatic Matrix Falsification Major Moderate Minor			Moderate Minor	,	
>>Programmatic Matrix Falsification Major Moderate Minor				Davoont 00/	ob cyclica actions as
Falsification Major Moderate Minor    X				Percent 0%	
Matrix Notes 30% to 70% of the rule was not met.  Adjustment \$9,000  \$1,000  Violation Events  Number of Violation Events 1 365 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$50 Violation Final Penalty Total \$1,000		on Major N	Andorsto Minor		
Matrix Notes  30% to 70% of the rule was not met.  Adjustment \$9,000  \$1,000  Violation Events  Number of Violation Events    daily monthly mark only one with an x   semiannual annual single event x	Faisilicati	on Major N		Percent 10%	
Notes  Adjustment \$9,000  \$1,000  Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events    daily				1076	<b>**</b>
Violation Events  Number of Violation Events  1 365 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$50 Violation Final Penalty Total \$1,000			30% to 70% of the rule was no	t met.	
Violation Events  Number of Violation Events  1 365 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$50 Violation Final Penalty Total \$1,000				Adjustment	\$9,000
Violation Events  Number of Violation Events  1 365 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$50 Violation Final Penalty Total \$1,000			and the second s	Aujustinent	· · · · · · · · · · · · · · · · · · ·
Number of Violation Events 1 365 Number of violation days    daily monthly quarterly semiannual annual single event x	Manager Alle				\$1,000
daily   monthly   semiannual   annual   single event   x      One single event is recommended.    Economic Benefit (EB) for this violation   Statutory Limit Test					
monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$50  Violation Base Penalty \$1,000	Number of	Violation Events	365	Number of violation days	
Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$50 Violation Final Penalty Total \$1,000		monthly quarterly semiannual annual	X	Violation Base F	Penalty \$1,000
Estimated EB Amount \$50 Violation Final Penalty Total \$1,000			One single event is recommen	nded.	
	Economic Benefit (EB) for	this violation		Statutory Limit Test	
This violation Final Assessed Paralle, (a diseased for United St.	Estim	ated EB Amount	\$50	Violation Final Penalt	y Total \$1,000
This violation Final Assessed Penalty (adjusted for limits) \$1,000			This violation Final A	ssessed Penalty (adjusted for	limits) \$1,000

	E E	conomic E	Benefit W	'orks	heet		
Respondent	Rescar, Inc.						
Case ID No.	32173						
Rea. Ent. Reference No.	RN100234681				1.54	arama Abrasi	Entropy of the State
	Air Quality	·				Percent Interest	Years of Depreciation
		3345		10.	150011	5,0	18
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			65.2.3	1500000		
	the state of the state of	and the second second second second					
Delayed Costs	54.00						
Equipment	TTZ med mercy (is)	CONTRACTOR OF THE PARTY.		-0,0	, \$0	£\$0	\$0
Bulldings	28020	55.7.4 S		0,0	. \$0	\$0	\$0
Other (as needed)		La company of the second		0.0	\$0	\$0	\$0 1,5
Engineering/construction	400 (400 mg/s)	Jack Committee of the C	A CONTRACTOR OF THE CONTRACTOR	0.0	\$0 \$0	\$0 n/a	\$0 \$0
Land	\$500	27-Jul-2005	1-Aug-2007	0.0 2.0	\$0 \$50	n/a	\$50
Record Keeping System Training/Sampling	φουυ	27*301*2003	1-Aug-2001	0.0	\$0 \$0	n/a	\$00
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	pA2200000000000000000000000000000000000			0.0	\$0	n/a	\$0
						ions report; the date	
Notes for DELAYED costs	first day of th	e reporting period;	the final date is the records and ye	ne estima early emi	ated date of begin ssions reporting.	ning to maintain EP	N 5 emişsions
Avoided Costs	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estima early emi entering	ated date of begin sslons reporting, item (except for	ning to maintain EP	N 5 emişsions costs)
Avoided Costs Disposal	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estima early emi entering 0.0	ated date of begin ssions reporting, item (except for \$0	ning to maintain EP  one-time avoided	N 5 emissions  costs)  \$0
Avoided Costs  Disposal  Personnel	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estima early emi entering 0.0 0.0	ated date of begin ssions reporting, item (except for \$0 \$0	ning to maintain EP	N 5 emissions  costs)  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estimate early emicentering 0.0 0.0 0.0	ated date of begingsions reporting,  item (except for \$0  \$0  \$0	ning to maintain EP  one-time avoided  \$0  \$0  \$0	N 5 emişsions  costs)  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estima early emi entering 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0	ning to maintain EP	N 5 emissions  costs)  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estimate early emicentering 0.0 0.0 0.0	ated date of begingsions reporting,  item (except for \$0  \$0  \$0	ning to maintain EP  one-time avoided  \$0  \$0  \$0	N 5 emişsions  costs)  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estima early emi entering 0.0 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ning to maintain EP  one-time avoided (  \$0  \$0  \$0  \$0  \$0  \$0	N 5 emissions  costs)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estima early emi entering 0.0 0.0 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ning to maintain EP	N 5 emissions  costs)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	first day of th	e reporting period; UALIZE [1] avoide	the final date is the records and ye	ne estima early emi entering 0.0 0.0 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ning to maintain EP	N 5 emissions  costs)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	first day of th	e reporting period;  UALIZE [1] avoide  [att]	the final date is the records and year of the costs before e	ne estima early emi entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ning to maintain EP	N 5 emissions  costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	first day of th	e reporting period;  UALIZE [1] avoide  [att]	the final date is the records and ye	ne estima early emi entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ning to maintain EP	N 5 emissions  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	first day of th	e reporting period;  UALIZE [1] avoide  [att]	the final date is the records and year of the costs before e	ne estima early emi entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ning to maintain EP	N 5 emissions  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	first day of th	e reporting period;  UALIZE [1] avoide  [att]	the final date is the records and year of the costs before e	ne estima early emi entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ated date of beginssions reporting, item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ning to maintain EP  One-time avoided  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	N 5 emissions  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	10-Jan-2007	Docke	t No. 2007-0087-AIR-E	PCW
Respondent			Policy Re	evision 2 (September 2002)
Case ID No.			PCW I	Revision December 8, 2006
Reg. Ent. Reference No.				·
Media [Statute]				
Enf. Coordinator Violation Number				
		nde 88 116 115(c) and 122 14	3(4), Air Permit No. 18226, SC 9(D)(2),	
			a & Safety Code § 382.085(b)	
Violation Description	to July 26, 2006 pe	eriod no records of adhesive	the coating lines. For the July 25, 2005 usage were available, calculations were tons per year VOC emissions for the 12-ncomplete.	
			Base Penalty	\$10,000
>> Environmental, Property a	ınd Human Heal	th Matrix		A.
	H	arm		,
Release OR Actual		derate Minor		
Potential			Percent 0%	
\$ 13 B	1			nuladobro de As
>>Programmatic Matrix	F 6 NF 6 4 8 8 1			
Falsification	Major Mod	derate Minor	Percent 10%	
	<u>                                     </u>	X	10%	
Matrix Notes		30% to 70% of the rule was r	oot met.	47
			Adjustment \$9,000	
***************************************				\$1,000
Violation Events		::::::::::::::::::::::::::::::::::::::		Administration of the Control of the
	– . [====			
Number of Vi	olation Events	1 3	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event	X	Violation Base Penalty	\$1,000
		One single event is recomm	ended.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$547	Violation Final Penalty Total	\$1,000
		This violation Final	Assessed Penalty (adjusted for limits)	\$1,000

Case ID No.		entalusenteren marte 1999 (1990) och gladen (d. 1994 i 2000 i 2000 i 2000 (1995), d. 1995 i 2000)		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~			1 1
Reg. Ent. Reference No. Media Violation No.	Air Quality					Percent Interest	Years of Depreciation
	1 100			14.19	医神经结节 美国	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				112 4 1		Mark to the
							or wood discovery contract on the contract of the con-
Delayed Costs						Sec. 2 1	April 1
i Equipment	7 4 4 4 4 4	3.000		0,0	\$0		\$0
Buildings			2 7 10 15 1 1101	0.0	\$0	i <b>\$</b> 0	\$0
Other (as needed)				0.0	\$0	1.\$0	\$0
Engineering/construction		11. 4.042 APRINGS		0,0	\$0	\$0	\$0
Land		- Levi Martin Constitution		0.0	\$0	n/a	\$0
Record Keeping System	<u> </u>		n gran a gran fall and a sharp the same and a state of	0.0	\$0	n/a	\$0 \$0
Training/Sampling				0.0	\$0 \$0	n/a n/a	\$0
Remediation/Disposal				0.0	\$0 \$0	n/a	\$0
Permit Costs Other (as needed)	Carrier Commence			0.0	\$0 \$0	n/a	\$0
		1.000		3.4.4	rydari i a		
Notes for DELAYED costs			\$	7015	ronia yaa		
	ΔΝΝ	IIIAI IZE [1] avoide	d costs before 6	enterina	and a property state of the second of a contract of the second of the se	aktik kaliman kata kata kata kata kata kata kata ka	costs)
Avoided Costs		UALIZE [1] avoide	d costs before e		item (except for	one-time avoided	
	ANN	UALIZE [1] avoide	d costs before e	o,0	and a property state of the second of a contract of the second of the se	aktik kaliman kata kata kata kata kata kata kata ka	costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel		UALIZE [1] avoide	d costs before e	0,0	item (except for	one-time avoided	\$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		UALIZE [1] avoide	d costs before e	0.0	\$0   \$0   \$0   \$0   \$0   \$0   \$0   \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel		UALIZE [1] avoide	d costs before e	0,0 0,0 0,0	item (except for \$0 \$0 \$0	one-time avoided ( \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		UALIZE [1] avoide	d costs before o	0.0 0.0 0.0 0.0 0.0 1.9	tem (except for   \$0   \$0   \$0   \$0   \$0   \$0   \$47   \$47	one-time avoided ( \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	92 tr 1			0.0 0.0 0.0 0.0 0.0	tem (except for   \$0   \$0   \$0   \$0   \$0   \$0   \$0   \$	one-time avoided ( \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$500	27-Jul-2005	15-Jul-2006 blast media record	0.0 0.0 0.0 0.0 0.0 0.0 1.9 0.0	tem (except for   \$0	one-time avoided ( \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	10-Jan-2007	Doc	<b>ket No.</b> 2007-0087-AIR-E	PCW	
Respondent				Policy Revision 2 (September 2002)	2)
Case ID No.				PCW Revision December 8, 2006	6
Reg. Ent. Reference No.					D)and () (compared to
Media [Statute]					
Enf. Coordinator	T				
Violation Number	<u> </u>	1 00 440 445(1) 140(	140/A) A' B '' N 400/A	2.42(2)	
Rule Cite(s)			2.143(4), Air Permit No. 19342, SC alth & Safety Code § 382.085(b)	5 12(C),	de la companya de la
Violation Description			ronic records as specified on each such records on railcars during the 26, 2006 period.		
,			Base	e Penalty \$10,00	<u>io</u>
>> Environmental, Property a	and Human Hea	Ith Matrix			
	Н	larm			and the same of th
OR Release		derate Minor			-
Potential			Percent 0%	•	
	ILIL		. 575		
>>Programmatic Matrix	有数 医黄素多层				
Falsification	Major Mo	derate Minor			Copposition
	x		Percent 25%	•	ornementers
		The state of the s			
Matrix		100% of the rule was n	ot met		
Notes		10070 01 110 1010 1100 11			-
				<u>*************************************</u>	
	1111111		Adjustment	\$7,500	1
				\$2,50	00
M. Marie					
Violation Events					***************************************
Number of Vi	olation Events	1 1	365 Number of violation day	vs	
			· · · · · · · · · · · · · · · · · · ·	,	
resolution of the state of the	daily				
	monthly			D 11 00 FG	201
mark only one with an x	quarterly semiannual		Violation Bas	se Penalty \$2,50	20
COLUMN TO THE PROPERTY OF THE	annual				
	single event	X			
		One single			
		One single event is recor	nmended.		-
Economic Benefit (EB) for the	nis violation		Statutory Limit Te		
	d EB Amount	\$101]	Violation Final Pen		00
Latinate	a ED AIIIOUIIL	ΨίθΙ	Violation Final Fell	-	
		This violation Fir	nal Assessed Penalty (adjusted t	for limits) \$2,50	00

Reg. Ent. Reference No. I							Years of
Violation No. 6	Air Quality 6					Percent Interest	Depreciation
			1915 67 135			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	10.00			_	CANALLAN STATE		
Equipment	origina Vigoria de la composición della composic		CHILL AND CO.	0,0	\$0	\$0	\$0
Buildings	ar dan da sa	14 C 3 V 2 C 18 V	Figure 1	0.0	\$0	\$0	\$0
Other (as needed)	micologicalistici			0.0	\$0	\$0	1751 <b>\$0</b> (51)
Engineering/construction		2.2.4077		0.0	\$0 \$0	\$0 n/a	\$0 \$0
Land Land	\$1,000	27-Jul-2005	1-Aug-2007	2.0	\$101	n/a	\$101
Record Keeping System Training/Sampling	<u>Ψ1,000</u>	27*301*2003	17/4ug-2007	0.0	\$0	n/a	\$101
Remediation/Disposal		The state of the s		0.0	\$0	n/a	\$0
Permit Costs		Control of the Contro	31.00 (A)	0.0	\$0	n/a	\$0
Other (as needed)			Application of the second	0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs		the final date is th	e estimated date	of beginni	ing to maintain pr	he first day of the re oper railcar records one-time avoided o	
Disposal	Alsu	IOALIZE [I] avoid	a costs perore o	0.0	\$0	\$0	\$0
Personnel			1 yes 4	0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling			- variation-control to	0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			Zanisi iza zane	0.0	\$0 \$0	\$0 \$0	\$0 \$0
				0.0	\$0	1 \$0	\$0
Other (as needed)					e di e per con	151 060 060 061 061 150 061 065 061 061 061	CENTRAL CONTROL OF CON

and the second of the second o

A Company of the Company

Screening Date	10-Jan-2007	Docket N	<b>lo.</b> 2007-0087-AIR-E	PCW
Respondent	Rescar, Inc.		Policy R	evision 2 (September 2002)
Case ID No.			PCW	Revision December 8, 2006
Reg. Ent. Reference No.				
Media [Statute]	Air Quality		*	
Enf. Coordinator	John Barry			
Violation Number	6	•		_
Rule Cite(s)			l), Air Permit No. 19342, SC 7(A) and n & Safety Code § 382.085(b)	
Violation Description	("CAU"). For the July 2		ents for the Carbon Absorption Unit eriod no records were available and ace for compliance.	
			Base Penalty	\$10,000
>> Environmental, Property a	ınd Human Health M	atrix		
	Harm			
Release	Major Moderate	Minor		
OR Actual			-	e de la companya del companya de la companya del companya de la co
Potential	X		Percent 25%	8
>> Description Matrix				
>>Programmatic Matrix Falsification	Major Moderate	e Minor		
1 alsilication	IVIAJOI IVIOGEIALE	, willow	Percent 0%	
17.17			7 070	
			gnificant amounts of pollutants which invironmental receptors as a result of  Adjustment \$7,500	
			Adjustment	<u> </u>
***************************************				\$2,500
		•		
Violation Events	E-5 5 8 5 7 5 6 7			
occupation of the state of the	<u></u>	T	Number of violation days	
*	4	365	Number of violation days	
mark only one with an x	daily monthly quarterly x semiannual annual		Violation Base Penalty	\$10,000
	single event			
	Four qu	arterly events are recomm	nended.	
<u>U</u>				<b>-</b>
Economic Benefit (EB) for th		0 = = 1	Statutory Limit Test	
Estimate	d EB Amount	\$252	Violation Final Penalty Tota	\$10,000
		This violation Final As	ssessed Penalty (adjusted for limits	\$10,000

Case ID No.							14,100
Reg. Ent. Reference No. Media Violation No.	Air Quality					Percent Interest	Years of Depreciation
Violation No.		<b>医斯克克斯科</b>				5.0	15
A second	Item Cost	Date Required	Final Date	Yrs	Interest Saved	A	EB Amount
Item Description	No commas or \$					3 4, 46, 25	
Delayed Costs							1.00
Equipment				0.0	\$0	\$0	\$0
Bulldings	10 10 10 10 10 10 10 10 10 10 10 10 10 1	1 to		0,0	\$0	\$0	\$0
Other (as needed)			3400 April 17.	0.0	\$0 1	\$0 14	\$0
Engineering/construction		zazástátása filitatá		0.0	\$0 \$0	1 \$0 n/a	\$0 \$0
Land Record Keeping System	\$2,500	27-Jul-2005	1-Aug-2007	2.0	\$252	n/a	\$252
Training/Sampling	<u>φ</u> <u>ν</u> ,υυυ	<u> </u>	1-Muu-2001	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	Political Company	5 7 7 2 2 2 2 2 2		0,0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs  Disposal		the estin	nated date of beg	ginning tentering	tem (except for	one-time avoided	costs)
Avoided Costs	ANN	the estin	nated date of beg	jinning t intering	properly monitor	the CAU.	costs)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	the estin	nated date of beg	entering t  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	the estin	nated date of beg	entering t  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  Approx. Cost of Compiliance	ANN	the estir	nated date of beg	entering t  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	b properly monitor    SO   \$0     \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs	ANN	the estir	nated date of beg	entering t  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	b properly monitor    SO   \$0     \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  Approx. Cost of Compiliance	ANN	the estir	nated date of beg	entering t  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	b properly monitor    SO   \$0     \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  Approx. Cost of Compiliance	ANN	the estir	nated date of beg	entering t  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	b properly monitor    SO   \$0     \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  Approx. Cost of Compiliance	ANN	the estir	nated date of beg	entering t  0.0  0.0  0.0  0.0  0.0  0.0  0.0  0	b properly monitor    SO   \$0     \$0	one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening	<b>Date</b> 10-Jan-2007	Docket No.	2007-0087-AIR-E	PCW
	dent Rescar, Inc.		Policy Re	evision 2 (September 2002)
	No. 32173		PCW F	Revision December 8, 2006
Reg. Ent. Reference				
	tute] Air Quality			
\$64. (\$85. extended by the control of the control o	nator John Barry			
Violation Nu	<u> </u>	SS 446 445(a) and 422 442(4). A	is Dormit No. 10212, SC 0, EOD	
Rule 0		§§ 116.115(c) and 122.143(4), A , SC 7, and Tex. Health & Safety		
wareness of the second				nicepea entenid
Violation Descr	iption Rescar has no establ	and perform a site-wide maintena ished program; additionally for th records of visual inspections for	e July 27, 2005 to July 27, 2006	
water to provide the state of t			Base Penalty	\$10,000
>> Environmental, Prop	erty and Human Health	Matrix		
	Harm		ener mer rener men en en energen en er en	
	elease Major Modera Actual	ate Minor		***************************************
and the second s	tential x		Percent 25%	
			_ <del></del>	
>>Programmatic Matrix				
<u>Falsifi</u>	cation Major Modera		Percent 0%	
			070	
Huma	an health or the environment w	vill or could be exposed to signific	ant amounts of pollutants which	and the state of t
		tective of human health or enviro	onmental receptors as a result of	***
TOOS L		the violation.		
			djustment \$7,500	
			ajustment \$7,000	
				\$2,500
Violation Events				
Floration Events				
***************************************	4	365	Number of violation days	
unneren en e	2.10			
***************************************	daily monthly			an apple described
mark o.			Violation Base Penalty	\$10,000
with			• • • • • • • • • • • • • • • • • • •	
volument .	annual		•	
and the second s	single event			
				1
	Four	quarterly events are recommende	ed. : ::::::::::::::::::::::::::::::::::	
Economic Benefit (EB)	for this violation		Statutory Limit Test	
Es	timated EB Amount	\$503	Violation Final Penalty Total	\$10,000
To considerate the second seco			•	
		inis violation Final Assess	sed Penalty (adjusted for limits)	\$10,000

Reg. Ent. Reference No.	32173 RN100234681						andre Agil
The second secon	Air Quality				y 1 -	Percent Interest	Years of Depreciation
	重型 建多	150000				5.0	15
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
item bescription	I No commas or \$		27.10 11 (1)				4.0F
Delayed Costs		V	10114 3	1	- 40	00	90
Equipment		Coding to the second se		0,0	\$0	\$0	\$0
Buildings			1.677-25.673260	0,0	\$0 \$0	\$0 \$0 ⊨	\$0 \$0 \$0
Other (as needed)	LIMBO	Salating and the control of the cont	rustist entricit	0.0	\$0 \$0	\$0 i+	\$0 477
Engineering/construction	111777			0.0	\$0 \$0	φυ + n/a	\$0 \$0
Land Record Keeping System				0.0	\$0	n/a	\$0 \$0
		11111111111111111111111111111111111111	paydes a company	0.0	\$0	n/a	\$0 \$0
Training/Sampling Remediation/Disposal			Tatalog Co., to hope to success	0.0	\$0	n/a	\$0
Permit Costs	The state of the s			0.0	\$0	n/a	\$0 ,
Other (as needed)	\$5,000	27-Jul-2005	1-Aug-2007	2.0	\$503	n/a	\$503
						ogram; the date req	
Notes for DELAYED costs	ua)	or the reporting po	anou, me imai uan	e is the o	estimated date of	program implementa	ition.
Notes for DELAYED costs  Avoided Costs	14 3 5 3 5 3 5 5 5 5 5 5 5 5 5 5 5 5 5 5	N. S. C. Salver	piese i li ili		item (except for	one-time avoided o	osts)
	14 3 5 3 5 3 5 5 5 5 5 5 5 5 5 5 5 5 5 5	N. S. C. Salver	piese i li ili	ntering	item (except for	one-time avoided o	costs) \$0
Avoided Costs Disposal Personnel	s ANN	N. S. C. Salver	piese i li ili	ntering 0,0 0,0	item (except for \$0 \$0	one-time avoided o	costs) \$0 \$0
Avolded Costs Disposal Personnel Inspection/Reporting/Sampling	s ANN	N. S. C. Salver	piese i li ili	0,0 0,0 0,0 0,0		one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	s ANN	N. S. C. Salver	piese i li ili	entering   0,0   0,0   0,0   0,0		one-time avoided (	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	s ANN	N. S. C. Salver	piese i li ili	0.0 0.0 0.0 0.0 0.0	tem (except for   \$0   \$0   \$0   \$0   \$0   \$0   \$0   \$	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	s ANN	N. S. C. Salver	piese i li ili	0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0ne-time avoided ( \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	s ANN	N. S. C. Salver	piese i li ili	0.0 0.0 0.0 0.0 0.0	tem (except for   \$0   \$0   \$0   \$0   \$0   \$0   \$0   \$	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	s ANN	N. S. C. Salver	piese i li ili	0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0ne-time avoided ( \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket N	<b>o.</b> 2007-0087-AIR-E	PCW
Respondent			Policy Re	evision 2 (September 2002)
Case ID No.			PCW F	Revision December 8, 2006
Reg. Ent. Reference No.		6		a special desirable de la constantia del constantia del constantia del constantia del constantia della const
Media [Statute]				and the second s
Enf. Coordinator	T			al mineral contracts
Violation Number	II			
Rule Cite(s)		§ 116.115(c) and 122.143( , SC 7, and Tex. Health &	4), Air Permit No. 19342, SC 12(D), Safety Code § 382.085(b)	
Violation Description	Failed to comply with monthly reports for the	the monthly reporting reques July 27, 2005 through Ju	irements on railcar cleaning. No ly 26, 2006 period were available.	
			Base Penalty	\$10,000
>> Environmental, Property		atrix	The second secon	
OR Release OR Actua Potentia		Minor	Percent 0%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
	X		Percent 25%	
Matrix Notes	100	0% of the rule was not met		
		Section 1	Adjustment \$7,500	1
			Form	\$2,500
				<del></del>
Violation Events				
Number of Vi	olation Events 1	12	Number of violeties days	
Number of Vi	olation Events 1		Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Penalty	\$2,500
	One s	ingle event is recommend	ed.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$50	Violation Final Penalty Total	\$2,500
		This violation First A	_	
		THIS VIOLATION FINAL ASS	essed Penalty (adjusted for limits)	\$2,500

	L L	conomic E	Benefit W	orks	heet		Ball Hi
Respondent			mande 101 km da natur (100 ° 5,775 E 200 ° 2,750 km (1000)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Mary Associate Control of the XXXIII and the Control of the XXIII and the Control of the Control		
Case ID No.		1				en e	
Reg. Ent. Reference No. Media Violation No.	Air Quality					Percent Interest	Years of Depreciation
Violation No.	9					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Bate Required	- 1 1612.16				
item Description	No commas or \$					State Control of the State Con	
Delayed Costs			11	GARRIER TO	- 77 3343		
Equipment				0.0	\$0	\$0	\$0
Buildings		11.45 (2) (3) (4)	6.55 (16.0g) (6a.2	0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction	Acres 1			0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	27-Jul-2005	1-Aug-2007	2.0	\$50	n/a	\$50
: Training/Sampling			American Consideration	0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs		7.2		0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	200	A STATE OF THE STA	AND THE RESERVE OF THE PERSON	0.0	\$0 \$0	n/a n/a	\$0 \$0
		the final date is	the estimated da	0.0 0.0 ords; the te of beg	\$0 \$0 be date required is spinning to maintal item (except for \$0 \$0 \$0 \$0	n/a n/a the first day of the r n proper records.  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 eporting period; costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOICED COSTS  Disposal ; Personnel Inspection/Reporting/Sampling Supplies/equipment	4.1227	the final date is	the estimated da	0.0 0.0 0.0 ords; the te of beg ntering 0.0 0.0 0.0 0.0	\$0 \$0 date required is jinning to maintal item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the first day of the r n proper records.  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 eporting period; costs) \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOICED COSTS  Disposal   Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	4.1227	the final date is	the estimated da	0.0 0.0 ords; the te of beg	\$0 \$0 be date required is spinning to maintal item (except for \$0 \$0 \$0 \$0	n/a n/a the first day of the r n proper records.  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 eporting period; costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS DIsposal   Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	4.1227	the final date is	the estimated da	0.0 0.0 0.0 ords; the te of beg ntering 0.0 0.0 0.0 0.0	\$0 \$0 date required is jinning to maintal item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the first day of the r n proper records.  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 eporting period; costs) \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS  Disposal   Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	4.1227	the final date is	the estimated da	0.0 0.0 0.0 ords; the te of beg ntering 0.0 0.0 0.0 0.0	\$0 \$0 date required is jinning to maintal item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the first day of the r n proper records.  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 eporting period; costs) \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS  Disposal : Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	4.1227	the final date is	the estimated da	0.0 0.0 0.0 ords; the te of beg ntering 0.0 0.0 0.0 0.0	\$0 \$0 date required is jinning to maintal item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the first day of the r n proper records.  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 eporting period; costs) \$0 \$0 \$0 \$0 \$0

The state of the state of

and the state of t

## **Compliance History**

Classification: AVERAGE Rating: 2.31 Customer/Respondent/Owner-Operator: CN600540751 Rescar, Inc. Classification: HIGH Site Rating: 0.00 Regulated Entity: RN100234681 RESCAR ORANGE FACILITY ACCOUNT NUMBER OC0054A AIR OPERATING PERMITS ID Number(s): AIR OPERATING PERMITS PERMIT 1532 AIR NEW SOURCE PERMITS PERMIT 18226 AIR NEW SOURCE PERMITS PERMIT 19342 AIR NEW SOURCE PERMITS **PERMIT** 39970 ACCOUNT NUMBER OC0054A AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS AFS NUM 0026 INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000835215 GENERATION SOLID WASTE REGISTRATION # 32644 INDUSTRIAL AND HAZARDOUS WASTE **GENERATION** TXD000835215 INDUSTRIAL AND HAZARDOUS WASTE EPA ID GENERATION INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 32644 **GENERATION** Rating Date: September 01 06 Repeat Violator: Location: 1993 FOREMAN RD, ORANGE, TX, 77630 **REGION 10 - BEAUMONT** TCEQ Region: Date Compliance History Prepared: January 09, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: January 09, 2002 to January 09, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (409) 899-8781 John Barry Phone: Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. В. C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D 1 08/29/2005 (400575) N/A (451335) 2 02/22/2006 3 03/14/2003 (21813)4 12/29/2003. (257826)5 07/30/2002 (5862)6 01/05/2007 (533825) Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. N/A Environmental audits. G. Type of environmental management systems (EMSs). N/A

I. Participation in a voluntary pollution reduction program.

Voluntary on-site compliance assessment dates.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
RESCAR, INC.	Š	
RN100234681	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-0087-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rescar, Inc. ("Rescar") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Rescar appear before the Commission and together stipulate that:

- 1. Rescar owns and operates a railcar repair and painting facility at 1993 Foreman Road in Orange, Orange County (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and Rescar agree that the Commission has jurisdiction to enter this Agreed Order, and that Rescar is subject to the Commission's jurisdiction.
- 4. Rescar received notice of the violations alleged in Section II ("Allegations") on or about January 10, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Rescar of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty-Four Thousand Dollars (\$34,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Rescar has paid Twenty-Seven Thousand Two Hundred Dollars (\$27,200) of the administrative penalty

				·
			•	
·				

and Six Thousand Eight Hundred Dollars (\$6,800) is deferred contingent upon Rescar's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Rescar fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Rescar to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Rescar have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Rescar ceased adhesive coating operations onsite on July 15, 2006.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Rescar has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Plant, Rescar is alleged to have:

- 1. Failed to submit deviation reports for the July 27, 2005 through July 26, 2006 compliance period, in violation of 30 Tex. ADMIN. CODE § 122.145(2)(A) and (2)(B), FOP No. 1532, SC 1A, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 7, 2006.
- 2. Failed to maintain complete records, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 18226, SC 9(C) and 9(D)(3), FOP No. 1532, SC 7, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on November 7, 2006. For the July 27, 2005 through July 26, 2006 period Rescar failed to maintain records and reports on each of the abrasive blasting facilities representing the monthly new additions of blast media and the total of new blast media additions over the calendar year for either of the two facilities.
- 3. Failed to produce monthly reports of volatile organic compound ("VOC") emissions for EPN 5, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 18226, SC 9(D)(1), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b) as documented during an investigation conducted on November 7, 2006. Records provided for the July 27, 2005

and the second of the second o

and the second of the second

and the control of th

and the second s

and the second second the second s The second s Second second

## $(1+e^{i\phi}) = \mathcal{L}_{i} + \mathcal{L}_{k} + \mathcal{L}_{k}$

and the second s

en en la comparta de la co La comparta de la co

en en konsumt i de la la figura d'un en grand de zon de <sup>1</sup>tha personal de la la figura de la la designación de A la figura de la grand de la completa de la la figura de la figura de la la figura de la la figura de la figura A la figura de la completa de la figura de la to July 26, 2006 period did not include records for the interior lining booths and bays ("EPN 5") for any month and no report for VOC emissions in tons per year over the previous 12-month period.

- 4. Failed to maintain monthly reports on the coating lines, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 18226, SC 9(D)(2), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 7, 2006. For the July 25, 2005 to July 26, 2006 period no records of adhesive usage were available, calculations were incorrect, and documentation of data, including tons per year VOC emissions for the 12-month period, was incomplete.
- Failed to maintain documentation and electronic records as specified on each railcar entering the Plant, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 19342, SC 12(C), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 7, 2006. Rescar did not maintain such records on railcars during the July 27, 2005 through July 26, 2006 period.
- 6. Failed to comply with daily monitoring requirements for the Carbon Absorption Unit ("CAU"), in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 19342, SC 7(A) and 7(D), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 7, 2006. For the July 27, 2005 to July 27, 2006 period no records were available and there was no methodology in place for compliance.
- 7. Failed to establish and perform a site-wide maintenance and inspection program, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 19342, SC 9, FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 7, 2006. Rescar has no established program; additionally for the July 27, 2005 to July 27, 2006 period there are no records of visual inspections for leaks and equipment repairs.
- 8. Failed to comply with the monthly reporting requirements on railcar cleaning, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 19342, SC 12(D), FOP No. 1532, SC 7, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 7, 2006. No monthly reports for the July 27, 2005 through July 26, 2006 period were available.

## III. DENIALS

Rescar generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

each is a feath of the second of the second

en de la companya de la co

ing and the control of the control o

A problem of a setting as a set of the control o

Andrew Commence of the Commenc

A property of the approximation of the second of the se

and the second of the second o

and the second of the second

.

1. It is, therefore, ordered by the TCEQ that Rescar pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Rescar's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rescar, Inc., Docket No. 2007-0087-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Rescar shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Submit unreported deviations for the July 27, 2005 to July 26, 2006 period on the next deviation report;
    - ii. Begin record-keeping for both blast facilities, in accordance with Air Permit No. 18226, SC 9(C) and 9(D)(3);
    - iii. Begin maintaining complete records of EPN 5 emissions, including on a 12-month rolling basis, in accordance with Air Permit No. 18226, SC 9(D)(1);
    - iv. Begin maintaining proper documentation and electronic records on railcars entering the Plant, in accordance with Air Permit No. 19342, SC 12(C);
    - v. Begin preparing and maintaining monthly railcar cleaning reports, in accordance with Air Permit No. 19342, SC 12(D);
    - vi. Begin daily monitoring requirements on the CAU, in accordance with Air Permit No. 19342, SC 7(A) and 7(D); and
    - vii. Begin implementing site-wide maintenance and inspection work, in accordance with Air Permit No. 19342, SC 9.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.vii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly

## Control of the Control of the Control of

en de la companya de la co

and the second of the second o

and the state of the state of

en en la companya de la co

(a) The second of the secon

Rescar, Inc. DOCKET NO. 2007-0087-AIR-E Page 5

responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Quality Section, Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 3. The provisions of this Agreed Order shall apply to and be binding upon Rescar. Rescar is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 4. If Rescar fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Rescar's failure to comply is not a violation of this Agreed Order. Rescar shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Rescar shall notify the Executive Director within seven days after Rescar becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Rescar shall be made in writing to the Executive Director. Extensions are not effective until Rescar receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Rescar in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

en de la companya de la co La companya de la co

Rescar, Inc. DOCKET NO. 2007-0087-AIR-E Page 6

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Rescar, or three days after the date on which the Commission mails notice of the Order to Rescar, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Jun 25 2007

Fax:3618253101

Jun 22 2007 Jun 21 2001

Resear, Inc.

DOCKET NO. 2007-0087-AIR-P

Page 7

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agrood Order on behalf of the entity, if any, indicated below my signature, and I do agroe to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

A negative impact on my compliance history;

Oreater scrutiny of any permit applications submitted by me;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional populace, and/or anomey fees, or to a collection agency;

Increased penalties in any future enforcement actions against mo;

Automatic referral to the Attorney General's Office of any future enforcement actions against me, and

TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in original prosecution

Namo (Printed or typed) Authorized Representative of

Rescut, Inc.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.